

Appl. No. 10/637,191
Amdt. dated 7/6/06
Reply to Office action of November 25, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-8 and 10-13 remain in the application and are subject to examination. Claim 10 has been amended. No claims have been added or canceled herein.

In "Claim Objections", item 2 on page 2 of the above-identified Office Action, claim 10 has been objected to as being dependent on canceled claim 9. Claim 10 has been amended to depend from claim 1, as suggested by the Examiner.

In "Claim Rejections - 35 USC § 102", item 3 on pages 2-4 of the Office Action, claims 1, 4, 8, 10 and 12 have been rejected as being fully anticipated by U.S. Patent No. 6,904,072 to Cox et al. (hereinafter Cox) under 35 U.S.C. § 102(e).

Applicant respectfully notes that Cox has a United States filing date of December 28, 2001. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application is a continuation application of copending International Application No. PCT/DE02/00471, filed February 8, 2002, which claims international priority of German Patent Application 101 05 722.9, filed February 8, 2001, under 35

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U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, Applicant is entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Cox by more than 10 months. Because Cox was filed after the priority date of the instant application, Applicant respectfully believes that Cox is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Applicant filed a Claim for Priority and a certified copy of German Application 101 05 722.9 on September 22, 2003. A certified English translation of the same is enclosed herewith.

Accordingly, Applicant respectfully believes that priority has been perfected and Cox is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on pages 2 to 4 of the Office action is now moot.

In light of the above, Applicant believes that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1-8 and 10-13. Claims

Appl. No. 10/637,191
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1-8 and 10-13 are, therefore, believed to be patentable over the art.

Finally, Applicant appreciatively acknowledges the Examiner's statement in item 4 on page 4 of the Office Action that claims 2-3, 6-7 and 11 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims" and that claim 13 is allowed. In light of the above, applicants respectfully believe that rewriting of claims 2-3, 6-7 and 11 is unnecessary at this time.

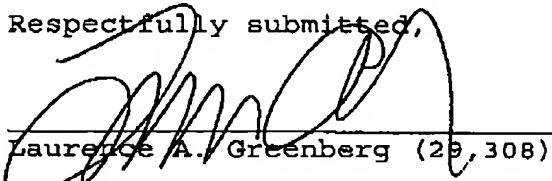
In view of the foregoing, reconsideration and allowance of claims 1-8 and 10-13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner Greenberg Steiner LLP, No. 12-1099.

Appl. No. 10/637,191
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Please charge any other fees that might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,


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LAG/am

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